



November 10, 2005

# COUNTY OF SAN LUIS OBISPO DEPARTMENT OF PLANNING AND BUILDING STAFF REPORT

# PLANNING COMMISSION

Helping build great communities

MEETING DATE CONTACT/PHONE APPLICANT

788-2008

Marsha Lee

APPLICANT FILE NO. Frank Parnel DRC20

DRC2004-00224

#### SUBJECT

Request by Frank Parnel for a Variance/Coastal Development Permit to allow a setback variance of the rear and side setbacks for a 675 square foot enclosed patio structure with walls built on the property line. This project is already built as an approximately 2846 square foot residence. The building is constructed at the rear property line and at the side property line for a portion of the structure. The proposed project is within the residential multifamily land use category and is located at 1560 Strand Way in the community of Oceano. The site is in the San Luis Bay planning area.

#### RECOMMENDED ACTION

Deny the request for Variance/Coastal Development Permit by Frank Parnel DRC2004-00224 based on the findings listed in Exhibit A.

#### ENVIRONMENTAL DETERMINATION

This project is statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects that a public agency rejects or disapproves.

			SUPERVISOR DISTRICT(S)
Multifamily	Archeological Study, Coastal Appealable Zone, Coastal Commission Original Jurisdiction, Local	061-061-033	4
	Coastal Plan Area		

PLANNING AREA STANDARDS:

Airport Review Area, Setbacks, Height

LAND USE ORDINANCE STANDARDS:

Setbacks; Projection into the rear setback

EXISTING USES:

Two-story single-family home with an enclosed back patio.

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:

The project was referred to: Oceano/Halcyon Advisory Group, Public Works, Oceano Community Services District and Fire, California Coastal Commission

TOPOGRAPHY: VEGETATION:

Generally flat Ornamentals

SURROUNDING LAND USE CATEGORIES AND USES:

North: Residential Multifamily/Residential East: Residential Multifamily/Residential

South: Residential Multifamily/Residential West: Recreational/Beach

PROPOSED SERVICES:

Water supply: Community system

Sewage Disposal: Community sewage disposal system

Fire Protection: Oceano Fire Department

ACCEPTANCE DATE: August 23, 2005



Planning Commission Variance DRC2004-00224 Parnel Page 2

## **BACKGROUND**

Planning Department staff cannot support the proposed variance and due to a variety of concerns such as the use is simply not appropriate for the subject site, the situation cannot be mitigated with conditions or project revisions. Concerns include site constraints, conflicts with adopted General Plan policies, conflicts with uses in the immediate site vicinity, and other generally accepted planning principles. Staff seeks to resolve issues with applicants but when this situation arises, staff has been directed to bring the matter to the appropriate decision-making body as soon as possible for a hearing with a recommendation to not approve the use. The proposed construction already exists. To come into compliance with the ordinance, the owners have applied for a variance to the rear and side setbacks to allow the 675 square feet of enclosed deck space to remain. Had the applicant requested the variance before the enclosure of the patio space, the project would have been brought forward for a denial.

#### PROJECT DISCUSSION

The request is for a setback variance of the rear and side setbacks for a 675 square foot enclosed patio structure with walls built on the property line into both the rear and side setbacks. After reviewing the proposal and the existing land use ordinance and area plan standards, staff concluded the variance for setbacks raised significant concerns and is not suitable for the site.

Currently, according to adjacent resident, rain water runs from the project residence onto the adjacent property to the south. The residences on the north and south side are set back 3', and the subject residence has no setback, therefore the access is limited to 3 feet between the two residences on both sides of the subject parcel. This is a concern because it also limits accessibility and fire safety.

There is one permit on file concerning this property. The county issued the original construction permit (1987). In addition, the landowner should have received a Coastal Development Permit from the California Coastal Commission (CCC). However CCC staff has not been able to find a record of the permit to date. In 1997, a construction permit for a patio enclosure was issued. The site plans for both the original building permit and the building permit for the deck enclosure on the second floor, show the required three-foot side setback and ten foot rear setback.

#### **PROJECT ANALYSIS**

<u>Fire Safety- The Oceano Community Services District response to the request is contained in a letter attached to the staff report, dated October 14, 2005. Comments include the following: The Fire Department would have a great many problems controlling a fire at either location. In particular, there is no access to the ocean side of the structure from the south side, access to the western exposure is limited due to the sandy terrain of the beach where no apparatus access exists, and the remaining eastern and northern exposures would be the only access for fire attack and egress. This leaves us in a bad situation should there ever be a fire in either structure – the thought is that we could possibly lose both residences."</u>

#### Ordinance Compliance:

<u>Standard</u>	Allowed/Required	<u>Proposed</u>
Setbacks	Front: 14'	Front: 14'
Front Side	Side: 3'	Side: 0'
Rear	Rear: 10	Rear: 0'
Height	25'	25'

Planning Commission Variance DRC2004-00224 Parnel Page 3

#### Modifications

The applicant is requesting a modification of the rear and side setbacks for their property to accommodate an enclosed patio space of which is built on the property line at the rear and side property lines.

PLANNING AREA STANDARDS: The following sections discuss the planning area standards that apply to this project.

Airport Review Area: Allowable uses are limited to those designated as "compatible" or "conditionally approvable" by the Oceano County Airport Land Use Plan. All permit applications for sites within the boundary of the Airport Land Use Plan are subject to the development standards in the plan.

Front Setback: The minimum front setback is 14 feet for all buildings on the west side of Strand Way between Pier and Brooks Avenues. *The project complies with the front setback standard.* 

Height: Structures shall not exceed 25 feet. The project appears to meet this requirement.

#### LAND USE ORDINANCE:

Side Setbacks: 10% of the lot width (the 30 foot wide lot requires 3 feet side setback). The project does not meet these standards. The request is for a variance to reduce the setback requirements to zero feet for the sides.

Rear Setback: 10 feet on sites of less than one acre.

Projections into rear setback (Section 23.04.116): Deck may occupy up to 30% of the required rear setback but no closer than 3 feet to the rear property line. For this 10 foot setback, a projection would be 3 feet. The second floor enclosed deck is at the 7 foot setback line therefore complies with the ordinance.

#### **COMBINING DESIGNATIONS:**

Airport Review Area: This project site is within the Airport Review Area and is subject to the standards set forth in the San Luis Bay Combining Designations section. Allowable uses are limited to those designated as "compatible" or "conditionally approvable" by the adopted Oceano County Airport Land Use Plan. A recorded aviation easement is required prior to the issuance of a building permit.

Archeological Study: Before any ground disturbance can take place on the site a Level 1 site survey must be completed by a certified archeologist. This was not done because the proposed project is a request for a variance of an already constructed residence. There is no ground disturbance associated with this application.

Coastal Commission Original Jurisdiction: The project requires a land use permit from the California Coastal Commission.

Local Coastal Program/Coastal Appealable Area: The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan. The subject project site is also located within an area that is appealable to the California Coastal Commission.

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Planning Commission Variance DRC2004-00224 Parnel Page 4

#### **COASTAL PLAN POLICIES:**

Shoreline Access: The project does not interfere with coastal access that is located within 100

feet of the residence.

Recreation and Visitor Serving: ☑ N/A Policy No(s):

Energy and Industrial Development: ☑ N/A Policy No(s):

Commercial Fishing, Recreational Boating and Port Facilities: ☑ N/A Policy No(s):

Environmentally Sensitive Habitats: ☑ N/A Policy No(s):

Agriculture: ☑ N/A
Public Works: ☑ N/A

Coastal Watersheds: ⊠ N/A

Visual and Scenic Resources: Inconsistent with community character for 0 side and rear

setbacks

Hazards: The 3' side setback could limit fire access to the properties.

Archeology: ⊠ N/A Air Quality: ⊠ N/A

#### Does the project meet applicable Coastal Plan Policies: No

COMMUNITY ADVISORY GROUP COMMENTS: Oceano/Halcyon Advisory Group—Recommends denial

#### **AGENCY REVIEW:**

Public Works—no concerns with proposal.

Oceano Community Services District and Fire— The Oceano Community Services District response to the request is contained in a letter attached to the staff report, dated October 14, 2005. Comments include the following: The Fire Department would have a great many problems controlling a fire at either location. In particular, there is no access to the ocean side of the structure from the south side, access to the western exposure is limited due to the sandy terrain of the beach where no apparatus access exists, and the remaining eastern and northern exposures would be the only access for fire attack and egress. This leaves us in a bad situation should there ever be a fire in either structure – the thought is that we could possibly lose both residences."

California Coastal Commission—no response

Tony N—no response

#### **LEGAL LOT STATUS:**

The 1 lot were legally created by deed at a time when that was a legal method of creating lots.

# ADDITIONAL INFORMATION

The applicant contends that the variance should be approved based on the ruling made in Anderson v. City of La Mesa (1981). In the Anderson v. City of La Mesa case the city erred in issuing the permit, mistakenly telling Anderson that they required a five foot setback when, in fact, a ten foot side setback was required. The city refused to issue a variance because of their error. This case is different. In both the original construction permit and the permit allowing the enclosure of the deck area the setback requirements of three feet on the sides and ten feet in the rear are shown.



# **FINDINGS - EXHIBIT A**

## **Environmental Determination**

A. That this project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

#### Variance

Page 5

- B. The variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use category in which it is situated because authorizing a variance of the setbacks would create an inconsistency for the property. The variance would also create a hardship for the neighbors of the property because, as stated in letters to the county, the neighbor's property becomes flooded because water runs from the roof and gutters causing flooding on their property. Additionally, varying the setbacks for beachfront property as this lot is could create a precedent that would lead to other neighbors building to their property lines and enclosing their patios. Granting this variance would create an inconsistency with the surrounding homes and land use..
- C. There are not special circumstances applicable to the property, including size, shape, topography, location, or surroundings, and because of the absence of these circumstances, the strict application of this Title would not deprive the property of privileges enjoyed by other property in the vicinity and in the same land use category.
- D. The variance does not authorize a use that is not otherwise authorized in the land use category however, authorizing this use would create a use that is not built to the standards required for this type of use to be constructed.
- E. The granting of such application does, under the circumstances and conditions applied in the particular case, adversely affect the health or safety of persons, is materially detrimental to the public welfare, and is injurious to nearby property or improvements, because the neighboring property would face drainage issues as outlined in their letter to the county. The lack of side setbacks causes flooding on the neighboring property as run-off from the roof and gutters flows onto the adjoining property. Additionally, without any side setback in the event of fire it would be able to jump more easily from house to house. For these reasons, allowing a variance to the setbacks could create a detrimental situation for surrounding property owners. The enclosed patio area also can affect the lateral view sheds of neighbors and the enclosed space is added living space.
- F. The variance is inconsistent with the San Luis Obispo County General Plan because the setbacks are zero in the rear and portions of the side setbacks.



# Oceano Community Services District

1655 Front Street, PO. Box 599, Oceano, CA 93475

(805) 481-6730

FAX (805) 481-6836

October 14, 2005

County of San Luis Obispo Department of Planning and Building Attention Coastal Team Room 310, County Government Center San Luis Obispo, CA 93408

SUBJECT: PARNEL, DRC 2004-00224, VARIANCE FOR ENCLOSED PATIO

Dear Sir or Madam:

Our apologies for the delay in response to your request for comments on the requested variance to the set back located at 1560 Strand Way in Oceano. The District believes that its jurisdiction or concern regarding any building and planning matter is usually best handled by your offices. However, with regard to this particular situation, somewhere, somehow, the ball got dropped.

Regarding solely the access for the Fire Department, a problem certainly exists. The Fire Department would have a great many problems controlling a fire at either location. In particular, there is no access to the ocean side of the structure from the south side, access to the western exposure is limited due to the sandy terrain of the beach where no apparatus access exists, and the remaining eastern and northern exposures would be the only access for fire attack and egress. This leaves us in a bad situation should there ever be a fire in either structure—the thought is that we could possibly lose both residences.

Should you have additional questions or require further information, please feel free to call me at (805) 481-6730.

Yours truly,

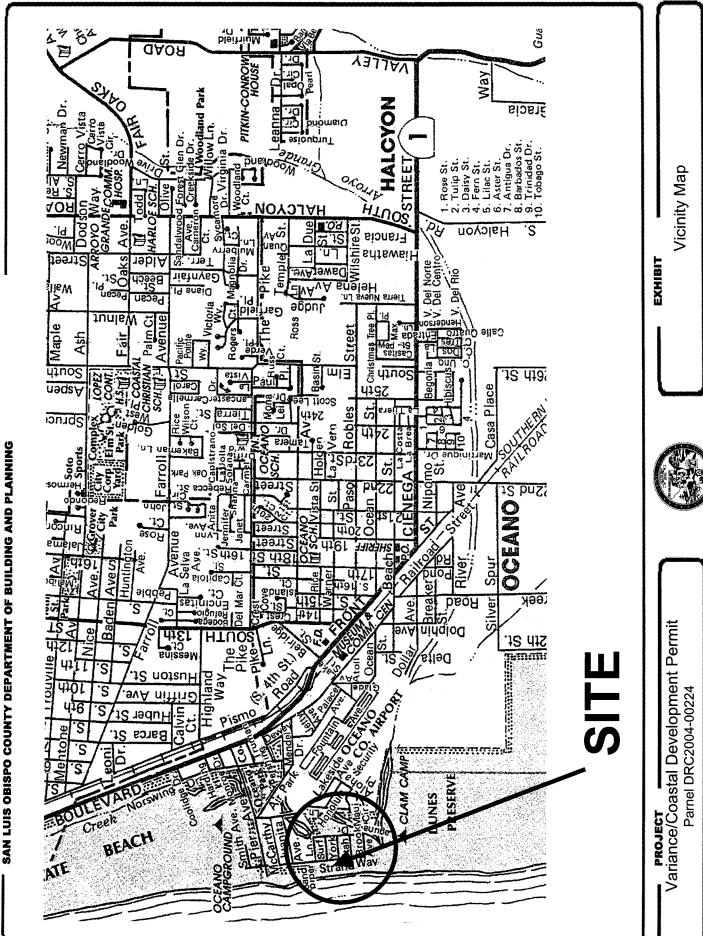
OCEANO COMMUNITY SERVICES DISTRICT

Michael S. Steinhau

Michael G. Steinhauser, Fire Chief

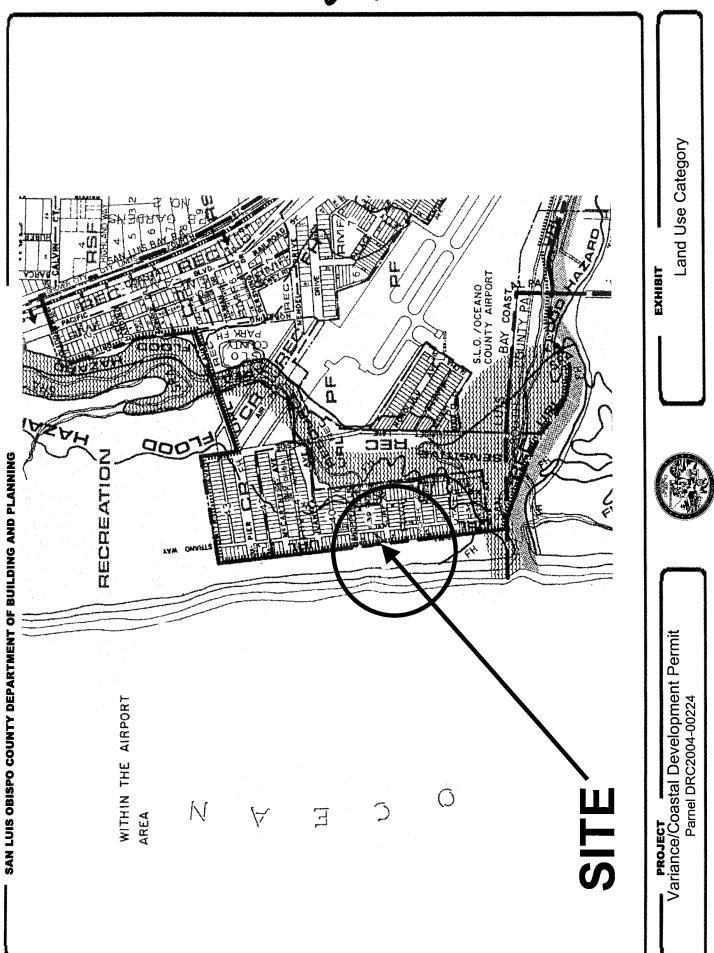
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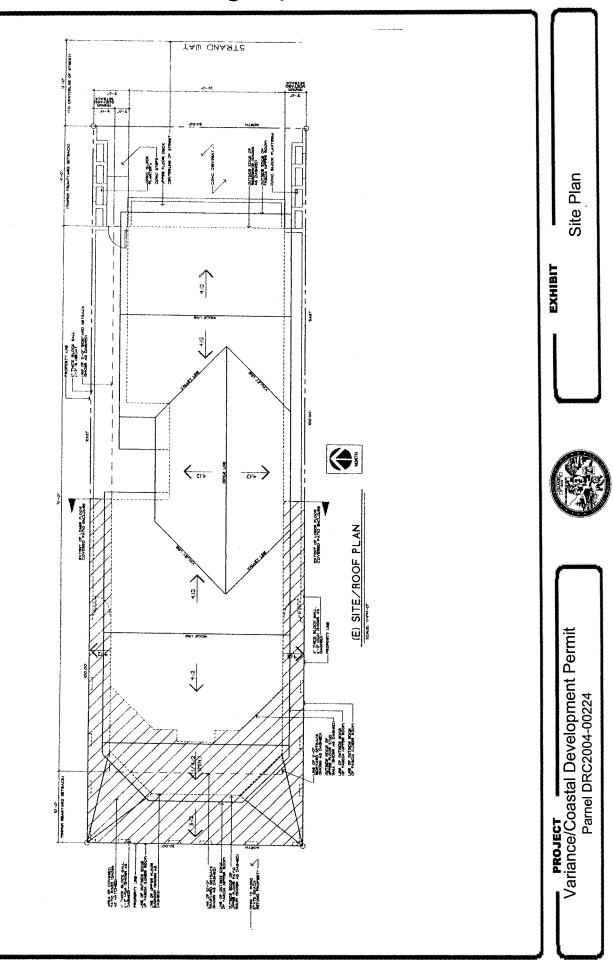
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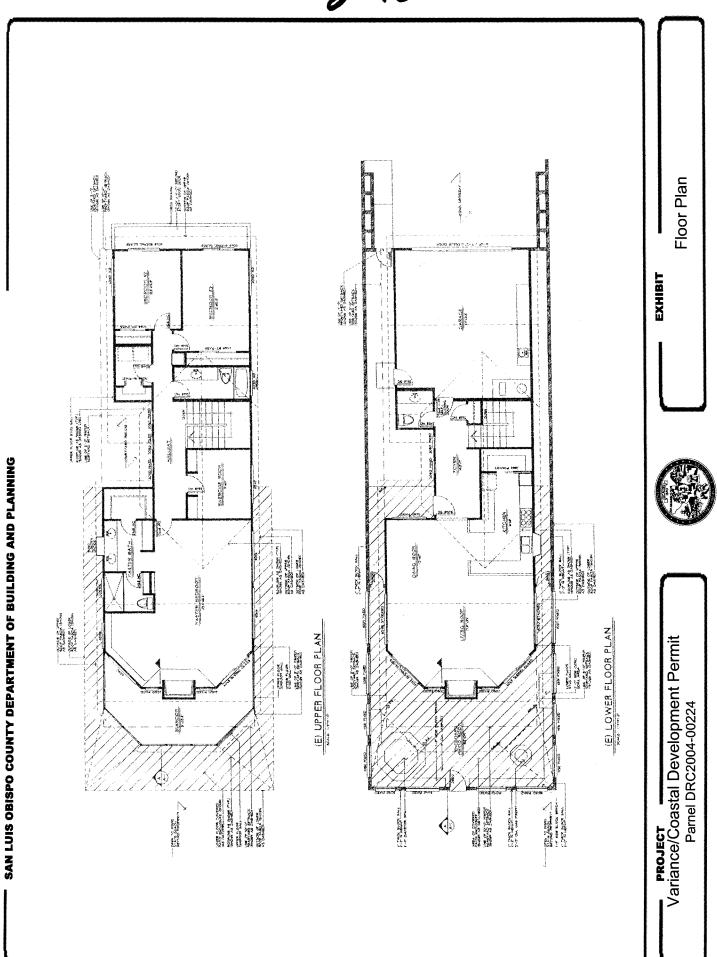


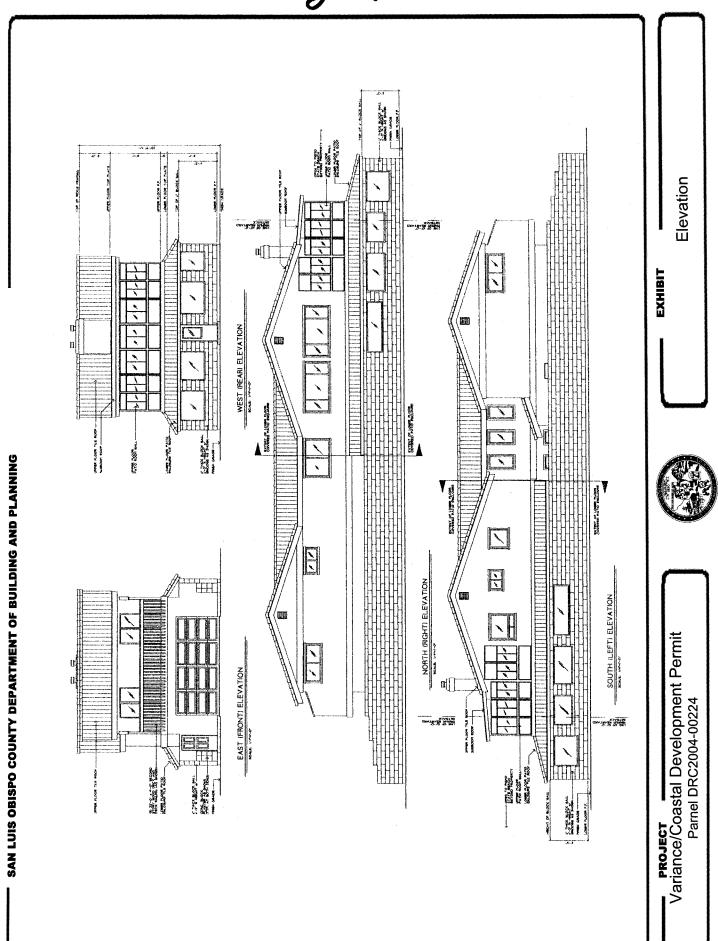


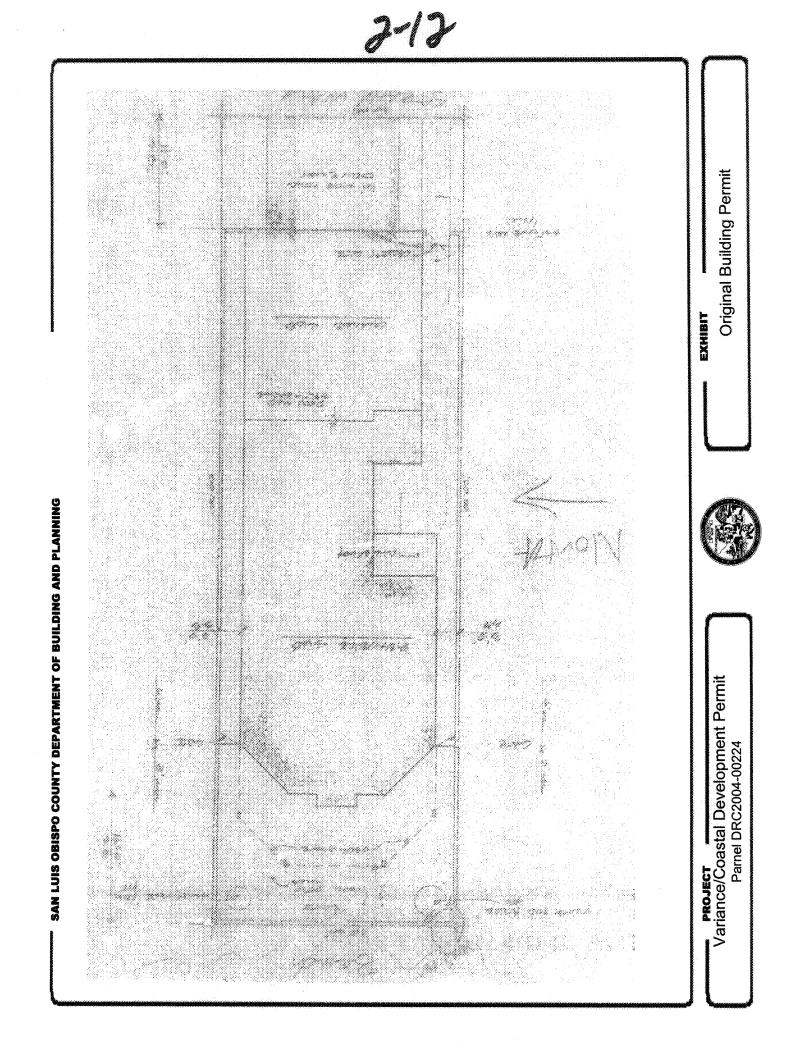


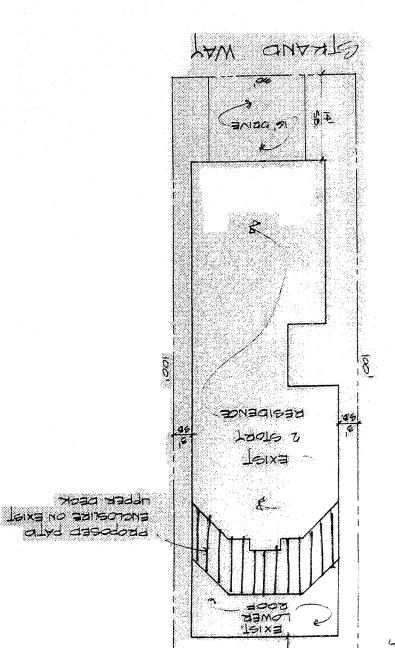


SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING









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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

EXHIBIT

1997 Patio Enclosure Permit



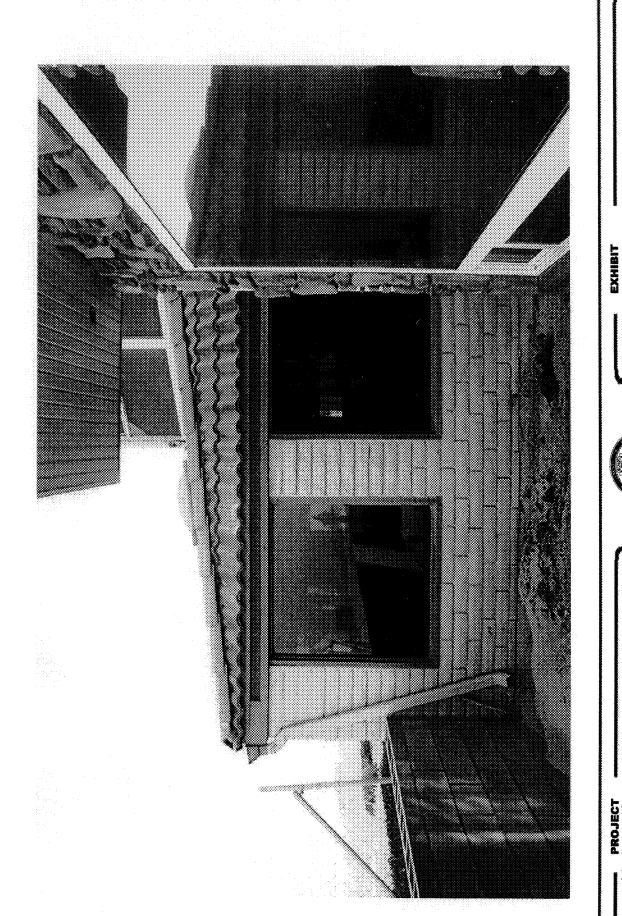


Variance/Coastal Development Permit Parnel DRC2004-00224

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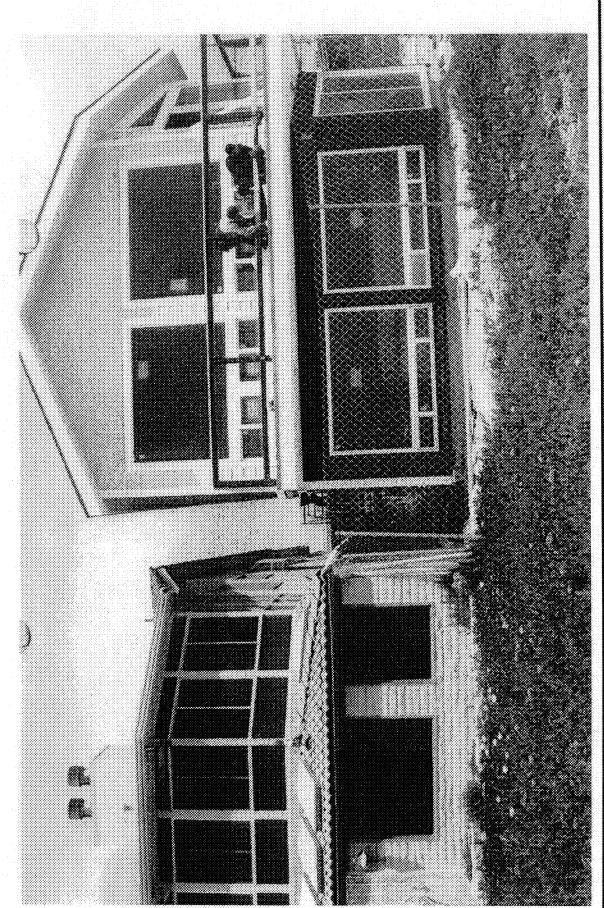


SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

Variance/Coastal Development Permit
Pamel DRC2004-00224

1997 Patio Enclosure Permit





SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

EXHIBIT

1997 Patio Enclosure Permit





Variance/Coastal Development Permit Parnel DRC2004-00224

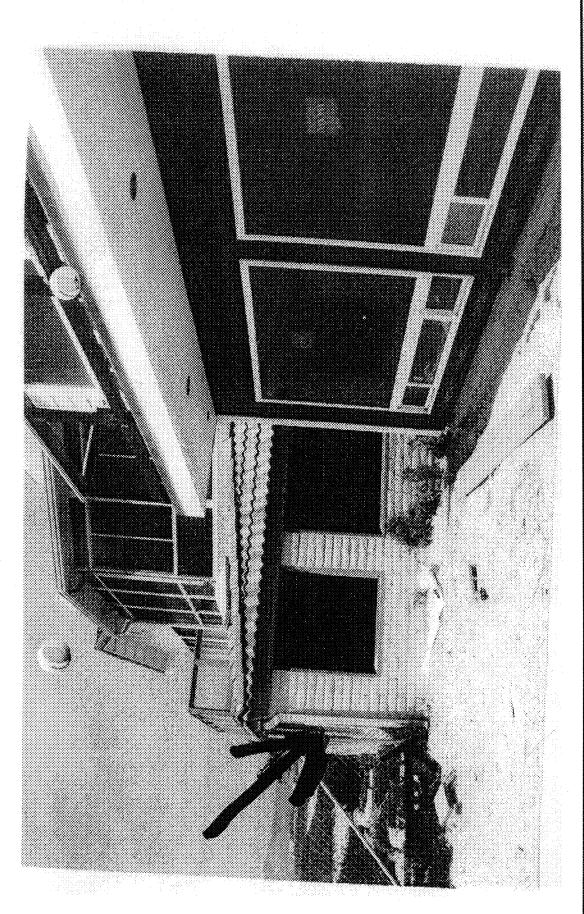


SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

EXHBI

1997 Patio Enclosure Permit

Variance/Coastal Development Permit
Parnel DRC2004-00224



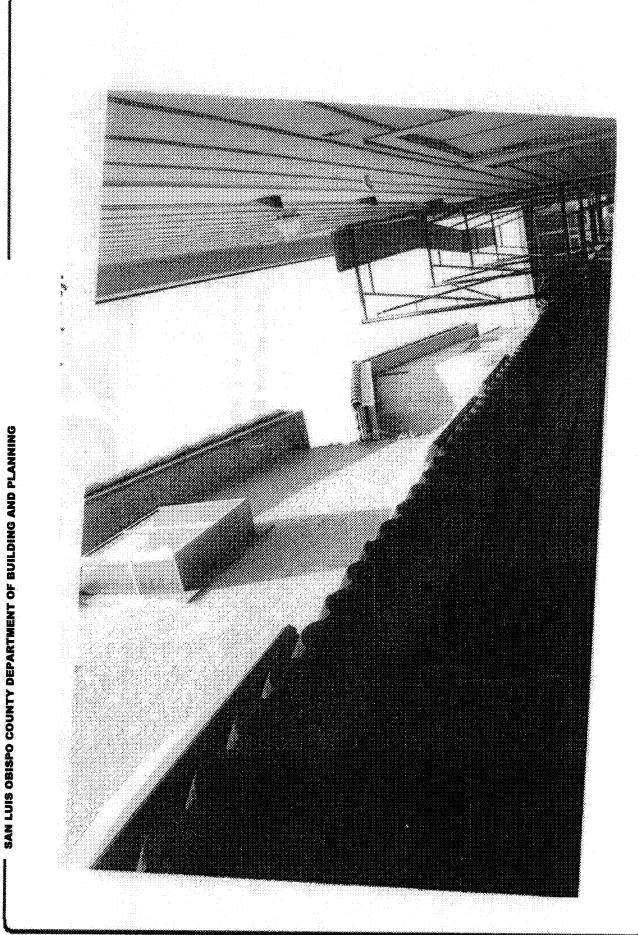
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Variance/Coastal Development Permit
Parnel DRC2004-00224

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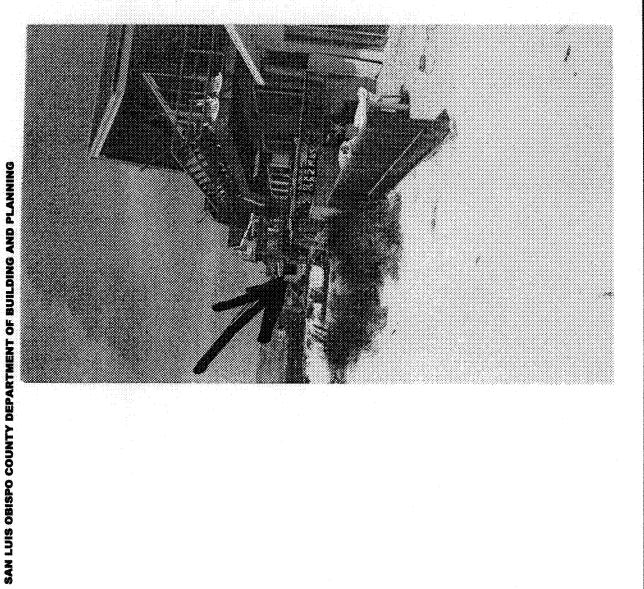


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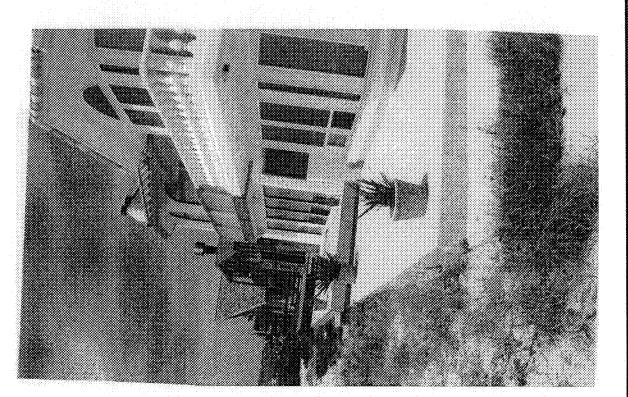
Variance/Coastal Development Permit Parnel DRC2004-00224



EXHIBIT

1997 Patio Enclosure Permit

Variance/Coastal Development Permit Pamel DRC2004-00224



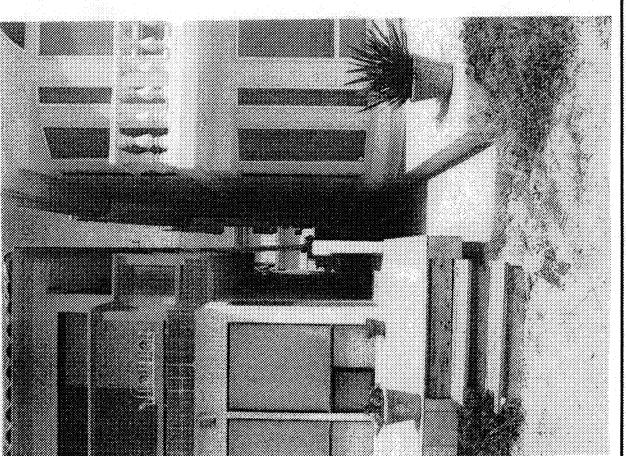
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Variance/Coastal Development Permit Parnel DRC2004-00224



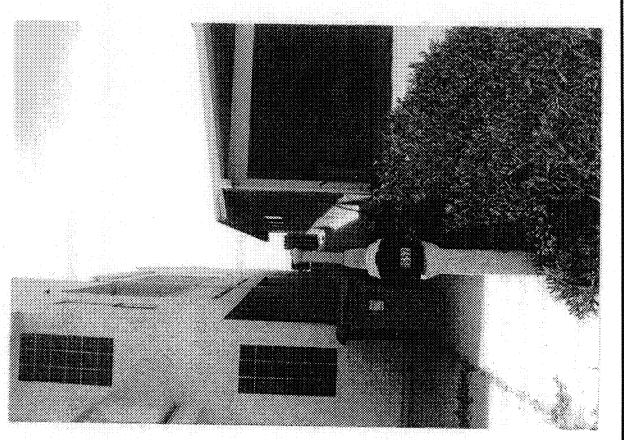
SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

EXHIBIT

1997 Patio Enclosure Permit



Variance/Coastal Development Permit Parnel DRC2004-00224



SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

1997 Patio Enclosure Permit

Variance/Coastal Development Permit
Parnel DRC2004-00224

# ATTACHMENT TO VARIANCE APPLICATION

(Parnel-1560 Strand Way, Oceano, CA) April 14, 2005

On February 28, 1997, Mr. Parnel, the owner of 1560 Strand Way, received a building permit to enclose his patio and rebuild his decking (Permit # A0419). At this same time he had his lower patio re-roofed. The lower patio had been enclosed since 1989, and previously consisted of glass roof panels.

The house was inspected on April 2, 1997, by the San Luis Obispo Department of Planning and Building, as evidenced by the attached Correction Notice. The house was re-inspected on April 11, 1997 and final approval was given to the project.

Mr. Parnel then began to receive notices from the San Luis Obispo Department of Planning and Building on August 22, 2002, that his house was in violation of County land use and zoning requirements. Mr. Parnel respectively requests that his variance be approved, pursuant to the decision in <u>Anderson v. City of La Mesa</u> (1981) Cal.App.3d 657, for the following reasons:

- 1. The enclosed "patio enclosure" construction was inspected by the County in 1997 and approved.
- 2. There would be a substantial hardship to the Owner if forced to rebuild the patio enclosure.
- 3. A patio that extends to the property line is similar to others in the neighborhood such that no special privilege is granted by this application.
- 4. The granting of the variance will not adversely affect any persons residing in the vicinity.

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# **BELSHER & BECKER**

JOHN W. BELSHER HOWARD MARK BECKER STEVEN P. ROBERTS GREGORY A. CONNELL ATTORNEYS AT LAW 412 MARSH STREET SAN LUIS OBISPO, CALIFORNIA 93401

TELEPHONE (805) 542-9900 FAX (805) 542-9949 E-MAIL slolaw@belsherandbecker.com

June 8, 2005

Marsha Lee, Project Planner San Luis Obispo County Department of Planning & Building County Government Center San Luis Obispo, CA 93408



Re: 1560 Strand Way / Parnel DRC 2004-00224 (APN 061-061-033)

Dear Ms. Lee:

We have completed a photo survey of the neighborhood in which the above referenced applicant resides. Please consider these photos as a supplemental response to our client's variance application.

We believe these pictures represent that our client is not asking for a special benefit greater to that of other residents in his community. An explanation of each photo is as follows:

#### Exhibit #1

Photo A: Shows a patio wall similar to the applicant up to their property line

Photo B: Shows a roofed awning similar to applicants

Photo C: Shows another roofed awning on other side of house

#### Exhibit #2

Photo A: Shows two houses and small retaining wall on property line

Photo B: Shows other side of home built on property line

Photo C: Shows a patio wall and home built up to property line

#### Exhibit #3

Photo A: Three homes on Strand Way in Oceano

Photo B: Shows different size patios and patio walls and home buildout

Photo C: Another view of home buildout

#### Exhibit #4

Photo A: Shows two homes with enclosed patios

Photo B. Another view of enclosed patio built out to property line

#### Exhibit #5

Photo A: Shows retaining wall similar to applicants on property line

Photo B: Shows the close proximity of retaining wall to home

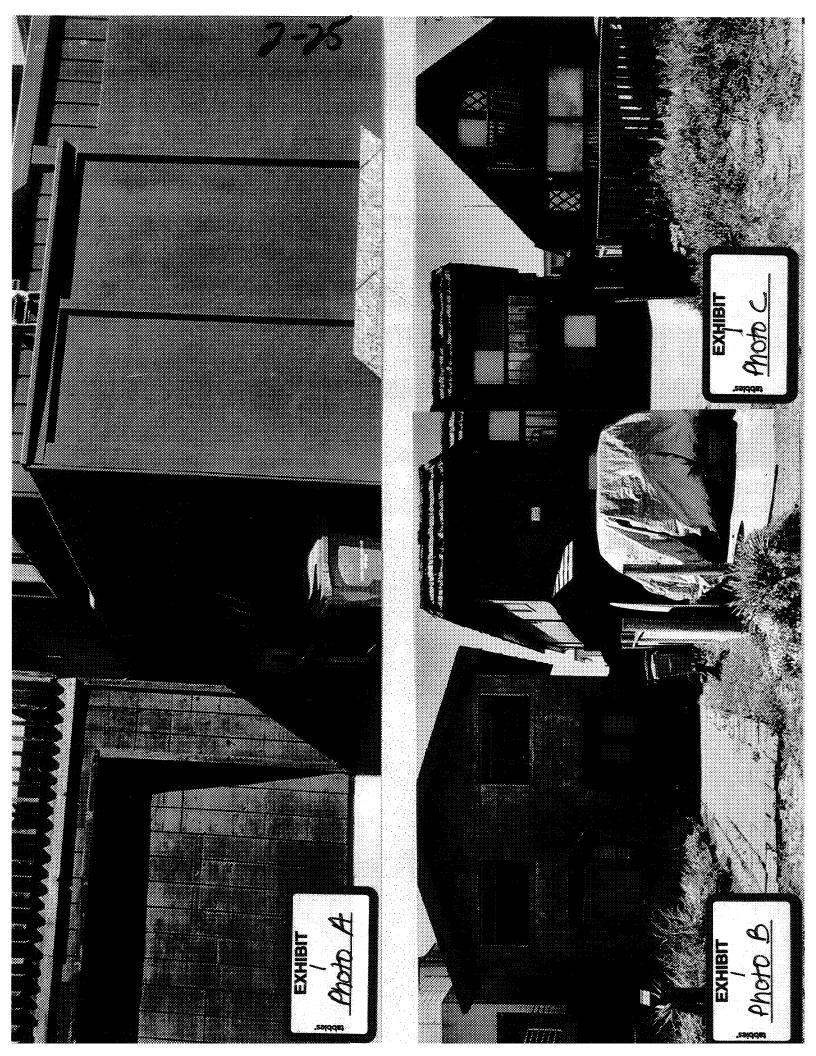
Sincerely,

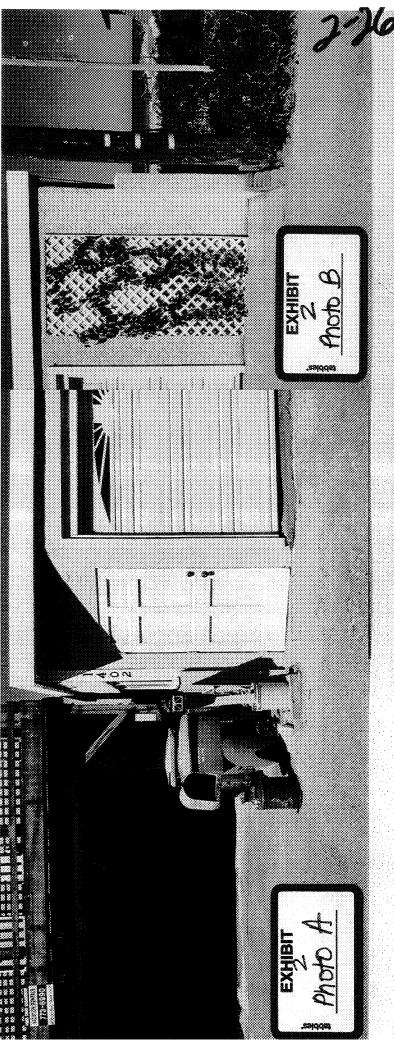
Gregory A. Connell, Esq.

GAC/ab

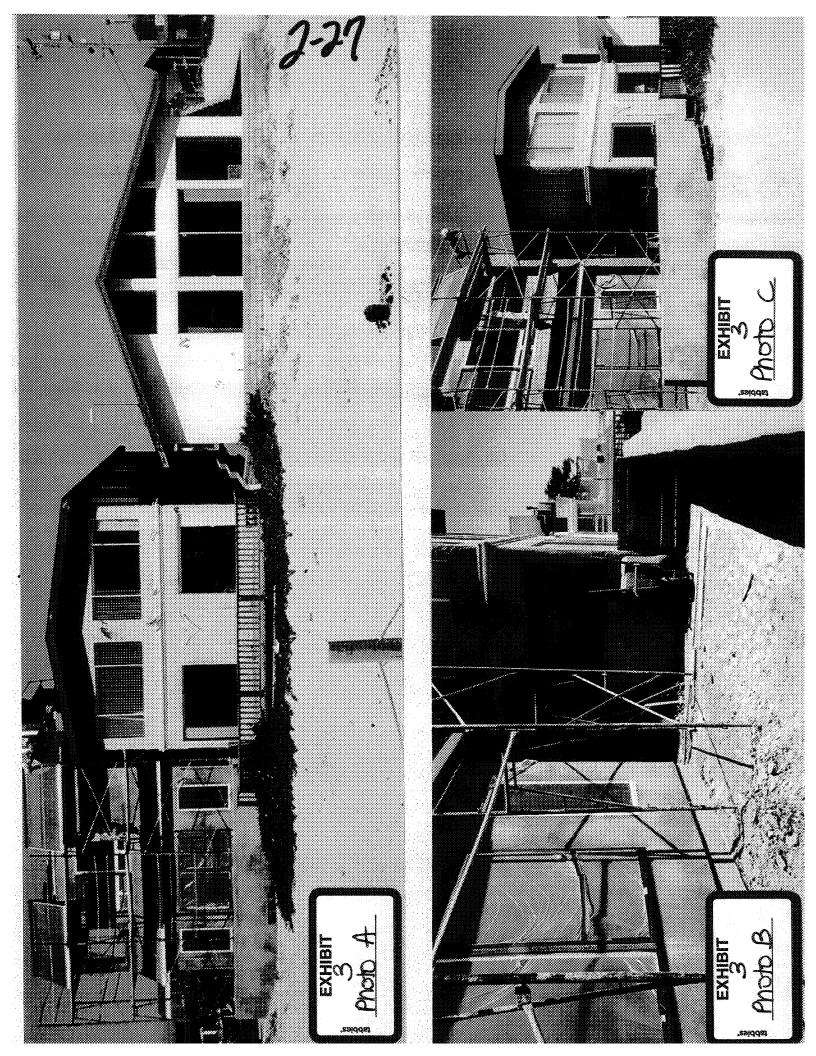
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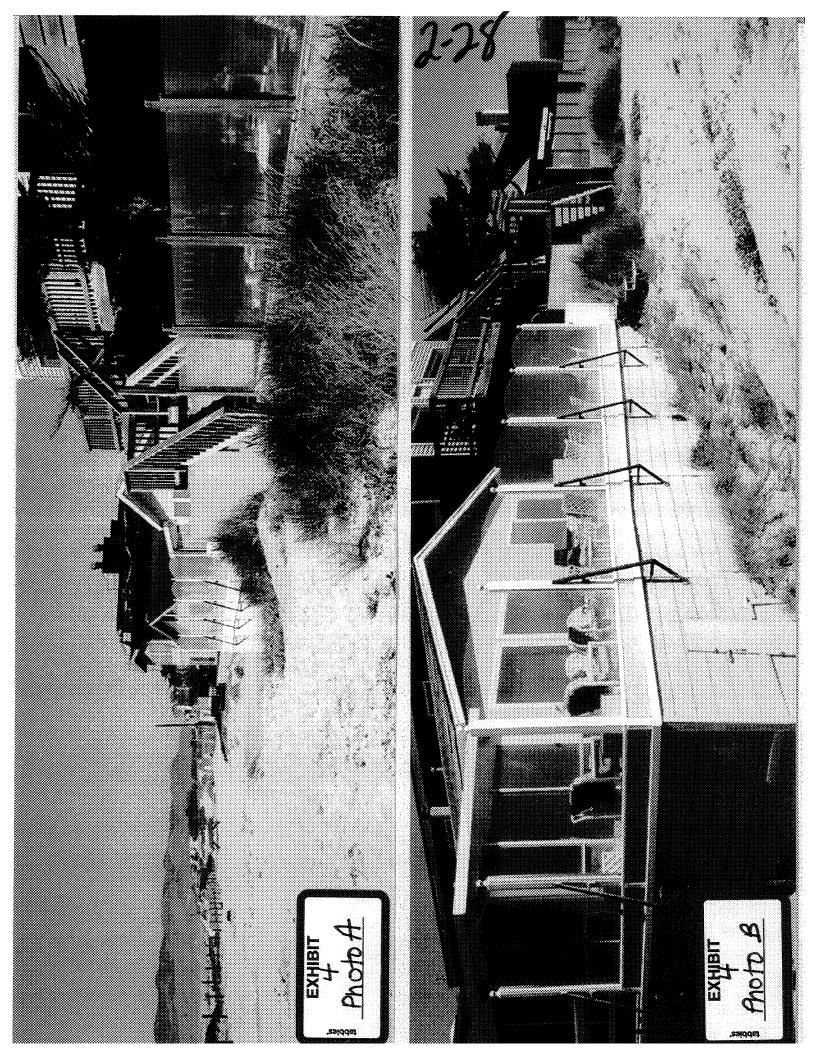
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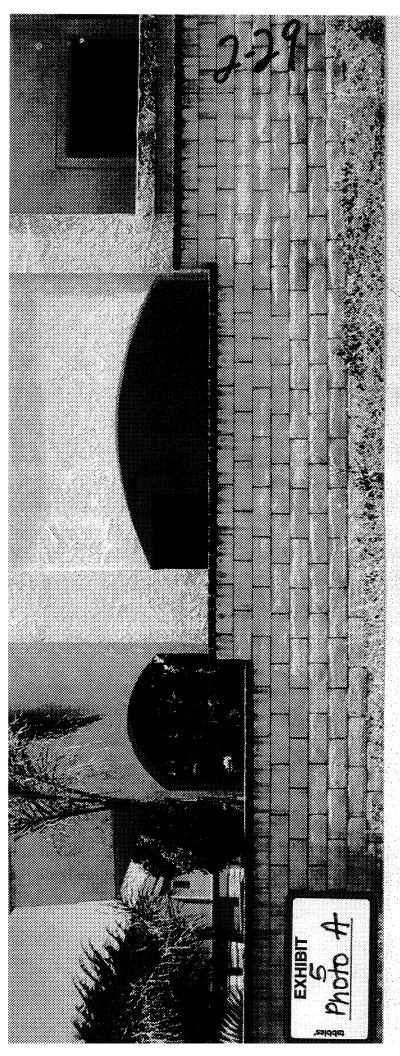


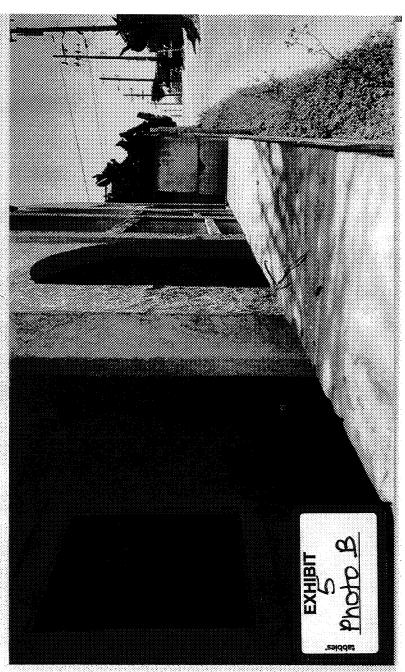


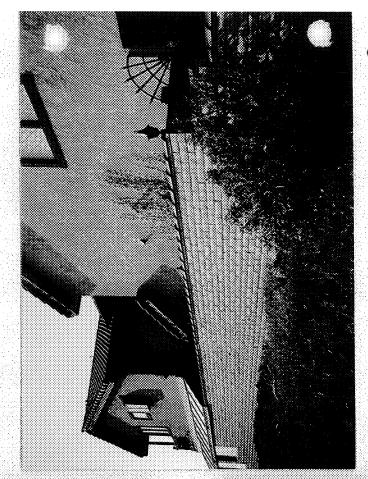


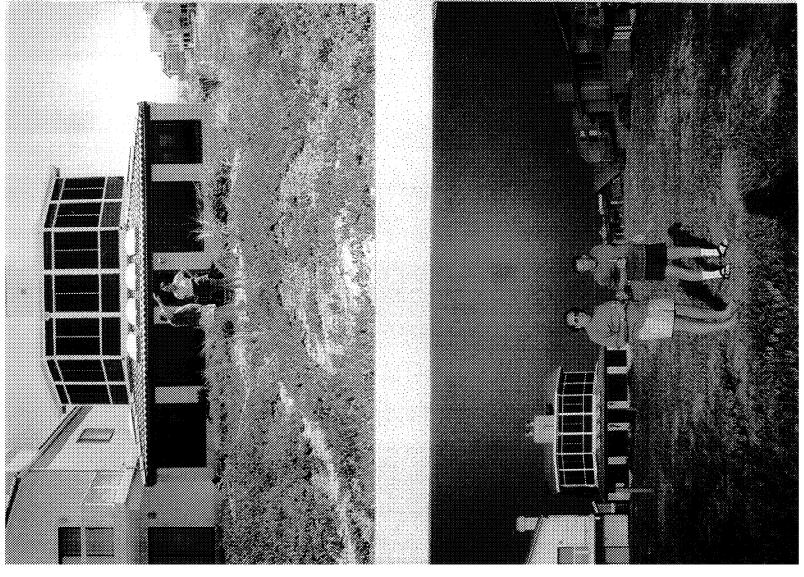












# BELSHER & BECKER

ATTORNEYS AT LAW 412 MARSH STREET SAN LUIS OBISPO, CALIFORNIA 93401

TELEPHONE (805) 542-9900 FAX (805) 542-9949 E-MAIL slolaw@belsherandbecker.com

May 20, 2005

MAX 23 ZAA

Marsha Lee, Project Planner San Luis Obispo County Department of Planning & Building County Government Center San Luis Obispo, CA 93408

Re: 1560 Strand Way / Parnel DRC 2004-00224 (APN 061-061-033)

Dear Ms. Lee:

JOHN W. BELSHER

STEVEN P. ROBERTS

GREGORY A. CONNELL

HOWARD MARK BECKER

We are in receipt of your correspondence dated May 4, 2005 outlining additional information needed before you believe you can accept our variance application. Your request for information related to other properties on Strand Way is not one of the supplemental information items listed in your variance application. This request will be difficult and nearly impossible to accomplish since it includes information not readily available to the applicant. We will make our best effort to obtain pictures of these properties.

As you are most likely aware, each State agency and each local agency shall compile one or more list that shall specify in detail, the information that will be required from any applicant for a development project. California Government Code §65940. Since your demand for supplemental information regarding other properties on Strand Way is not listed in the variance application, we believe this information regarding is not necessary for you to process the application as complete. Furthermore, the variance application should be deemed accepted since the 30 day review period, pursuant to Government Code §65943, had passed as of May 14, 2005.

We respectfully request that our application for variance be accepted as complete for processing. If you have any further questions, please do not hesitate to contact this firm.

Sincerely,

Gregory A. Connell, Esq.

GAC/ab

cc: clients

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#### CALIFORNIA GOVERNMENT CODE § 65940

#### **CALIFORNIA CODES**

CALIFORNIA GOVERNMENT CODE

Title 7. PLANNING AND LAND USE

**Division 1. PLANNING AND ZONING** 

# Chapter 4.5. REVIEW AND APPROVAL OF DEVELOPMENT PROJECTS

**Article 3. Applications for Development Projects** 

Current through Stats 2005, Ch. 5

#### § 65940.

- (a) Each state agency and each local agency shall compile one or more lists that shall specify in detail the information that will be required from any applicant for a development project. Each local agency shall revise the list of information required from an applicant to include a certification of compliance with Section 65962.5, and the statement of application required by Section 65943. Copies of the information, including the statement of application required by Section 65943, shall be made available to all applicants for development projects and to any person who requests the information.
- (b) (1) The list of information required from any applicant shall include, where applicable, identification of whether the proposed project is located within 1,000 feet of a military installation, beneath a low-level flight path or within special use airspace as defined in Section 21098 of the Public Resources Code, and within an urbanized area as defined in Section 65944.
- (2) The information described in paragraph (1) shall be based on information provided by the Office of Planning and Research pursuant to paragraph (2) of subdivision (d) as of the date of the application. Cities, counties, and cities and counties shall comply with paragraph (1) within 30 days of receiving this notice from the office.
- (c) (1) A city, county, or city and county that is not beneath a low-level flight path or not within special use airspace and does not contain a military installation is not required to change its list of information required from applicants to comply with subdivision (b).
- (2) A city, county, or city and county that is entirely urbanized, as defined in subdivision (e) of Section 65944, with the exception of a jurisdiction that contains a military installation, is not required to change its list of information required from applicants to comply with subdivision (b).
- (d) (1) Subdivision (b) as it relates to the identification of special use airspace, low-level flight paths, military installations, and urbanized areas shall not be operative until the United States Department of Defense provides electronic maps of low-level flight paths, special use airspace, and military installations, at a scale and in an electronic format that is acceptable to the Office of Planning and Research.
- (2) Within 30 days of a determination by the Office of Planning and Research that the information



provided by the Department of Defense is sufficient and in an acceptable scale and format, the office shall notify cities, counties, and cities and counties of the availability of the information on the Internet.

History. Amended by Stats 2004 ch 906 (SB 1462), s 4, eff. 1/1/2005

## **CALIFORNIA GOVERNMENT CODE § 65943**

CALIFORNIA CODES

CALIFORNIA GOVERNMENT CODE

Title 7. PLANNING AND LAND USE

**Division 1. PLANNING AND ZONING** 

Chapter 4.5. REVIEW AND APPROVAL OF DEVELOPMENT PROJECTS

**Article 3. Applications for Development Projects** 

Current through Stats 2005, Ch. 5

#### § 65943.

- (a) Not later than 30 calendar days after any public agency has received an application for a development project, the agency shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant for the development project. If the written determination is not made within 30 days after receipt of the application, and the application includes a statement that it is an application for a development permit, the application shall be deemed complete for purposes of this chapter. Upon receipt of any resubmittal of the application, a new 30-day period shall begin, during which the public agency shall determine the completeness of the application. If the application is determined not to be complete, the agency's determination shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant shall submit materials to the public agency in response to the list and description.
- (b) Not later than 30 calendar days after receipt of the submitted materials, the public agency shall determine in writing whether they are complete and shall immediately transmit that determination to the applicant. If the written determination is not made within that 30-day period, the application together with the submitted materials shall be deemed complete for purposes of this chapter.
- (c) If the application together with the submitted materials are determined not to be complete pursuant to subdivision (b), the public agency shall provide a process for the applicant to appeal that decision in writing to the governing body of the agency or, if there is no governing body, to the director of the agency, as provided by that agency. A city or county shall provide that the right of appeal is to the governing body or, at their option, the planning commission, or both.

There shall be a final written determination by the agency on the appeal not later than 60 calendar days after receipt of the applicant's written appeal. The fact that an appeal is permitted to both the planning commission and to the governing body does not extend the 60-day period. Notwithstanding a decision pursuant to subdivision (b) that the application and submitted materials are not complete, if the final written determination on the appeal is not made within that 60-day period, the application with the submitted materials shall be deemed complete for the purposes of this chapter.

(d) Nothing in this section precludes an applicant and a public agency from mutually agreeing to an extension of any time limit provided by this section.



(e) A public agency may charge applicants a fee not to exceed the amount reasonably necessary to provide the service required by this section. If a fee is charged pursuant to this section, the fee shall be collected as part of the application fee charged for the development permit.

# Construction Permit

San Luis Obispo County Planning Department

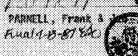
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SorBestion	Ready To Issue Date: 2/23/18	» Chala-
888-92 U.S. C.	Detail Details 13: 21: 86_ stand By	~ _ ~~_OR

### **Construction Permit**

San Luis Obispo County Planning Department





THIS PERMIT CONSTITUTES AUTHORIZATION BY THE COUNTY OF SAN LUIS OBISPO ALLOWING CONSTRUCTION OF THE PROJECT DESCRIBED HEREIN SUBJECT TO ALL APPLICABLE PROVISIONS OF THE COUSTY CODE. Oceano 1560 Strand Way \_\_ (nearly \_\_\_ P.A. SS.R. Comm. DCSO LUC ZRIF Comb. Desig. LCP/AR Interestal Zone LM Lot Size 30×100. PARNELL. Frank & Jan 615 E. Providencia Ave. Apt F. Burbank , CA 91501 Business Hour Phon Zip Code Mailing Address Pacific Coastline Corp (Ed Sueller) P.O. Box 1454 Arrayo Grande, CA 93420 (805) 481-9492 Scott Hicks 1367 Grand Ave. Grover City, CA 93433 State License No State License No. Architect, Corcean or Decignar LEGAL DECLARATIONS CON PLETED PROJECT INFORMATION LICENSED CONTRACTORS DECLARATION: Proposed Use CONSTRUCT NEW SED
Selbacks From 14 Steps 2 Rem
Hondania Roon Area 1975 Garage 500 Barn
Carport Service Rem Reck Storage CONSTRUCT NEW SED Tam: Psenson error the provisions of Chapter (contract with Section 2000 the Contract Business and Professions Cod (A) I see in the force and No Bedrooms 3 No Balticoms 3.
Retaining visil information Lengih..... Hemot Date

FR BUILDER DECLARATION

are weight from the contractor's License Lawfor the following reason

are weight from the contractor's License Lawfor the following reason

are weight as owner of the property, or my employees with wages as their sale compensation will do the work, and the stretcur's to not inferfedd or offer safe for sale.

are gener of the property, are exclusively contracting with licensed contractors to constitution project. Mobile/Modular Home Information. Main facturer ... Moved Boilding Information | Locality ..... Present Location \_\_\_\_\_ini i.in it etfelle \_\_\_\_ [] i am exempt under Sec ..... Grading information for Cut ...... Tol Foi \_\_\_\_\_\_ Cu Yds Approl Disturbance \_\_\_ TYPE OF CONSTRUCTION OCC. Brees Foundation slab traine WGOD Root Stope 5/12

Root Covering Material 111e Exterior Walk 5742550 Applicant: WORKERS COMPENSATION DECLARATION

1 hereby affirm that I have a cartificate of consent to self-insure or a certificate of Workers'
Compensation insurance or a certified copy herebi (Sec 3800; Calif (labor; Codr)) Type Water Housing Solar Propiece Type X
Usuby Information Water Source CORN
Sowage Disposed CORN Field Gas Type National Sertified copy is first by furnished

Cariffied copy is filed with the county Planning Department

\*\*Date and \*\*Mark Planning Departmen Metand of Edergy Compliance FEES TOTAL VALUATION (for bids, permy use only)
Plan Review 5 312.33 Busbing CERTIFICATE OF EXEMPTION FROM WORKERS COMP. INSURANCE Locally that in this performance of the work for which this permit is issued. I shall not employ any person in any manner so as to become subject to the Worker's Compensation Laws of California. . , <u>460,50</u> \$ 48.05 Grating \$ 15.60 Plumbing \$ 4.00 Section Piol Plan Microform NOTICE TC APPLICANT: If after making imis Certificate of Exemption, you should become subject to the Worker's Compensation provisions of the Labor Code, you must comply with sign provisions or this permit shall be deemed revoked. 19:76 Mechanical SMIP I ak Fire Plan CONSTRUCTION LENDING AGENCY 
I hereby aftirm that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, Calif. Civil Code). Encroachment Tree Removal Adjustment Investigation C Lender's Name 78-4 -1 655.98 1035.36 Subtotal . 379.38 Total Fee REQUIREMENTS FOR FINAL INSPECTION BAL OF FEES 655.98. Lender's Address ..... NOTICE The Uniform Building Code requires that this permit become null and you it work or construction authorized is not started within 180 days after the permit is issued or if construction or work is suspended or abandoned for a period of 180 days any time after work is commerced. Curb, gutter and sidewalk ... Parking Lot traylor smeare ........ Moad lax \_\_ Fracing Improvements Land Use Permit Conditions \_\_\_\_t and scaping improvements Couldy usions penalty of persons that I have read this application and state that the above information is correct. I agree to comply with all county ordinances and state laws relating to building construction, and hereby authorize representatives of this county to exter upon the above mentioned property for inspection purposes. Encroachation Type .... Private Sewaga Disposal System Requirements: So ft Leach Area . SPECIAL CONDITIONS: Pacific Coastline Copporation

Signature of Copporation Authorized Agent Signature of Owner (If Owner Builder) Ready To Issue Date: \$729 LEC By Clark

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SITE INFORMATION 1500	
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() Frank and Jan Parnel,  wher Sepe(s) setting as	tries (1990 Crass Control Control
	Burbank, C3 91501 (805) 846-8180 *** City, Nests, for Code Business Stour Phone P. O. Box 1454 ***, Arroyco Grande, CA 93420 (805) 481-9492
w) <u>raciclo commentane Corporatio</u>	<u>1, Arroyo Grande, CA 93420 (805) 481-9492</u>
Contractor Kaliling & El	reso City, State, Min Code Bue, Br. Phone License Mc. D481955
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Arnel

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Probett ốgn Luis Ob 🦓 🖟 m back) ছুন্ত নিষ্ -203 B TRANS WAY VICINITY MAP REQUIREMENTS TO BE MET PRIOR TO PERMIT ISSUANCE: DEED VERIFICATION PIRE SAPETY PLAN LAND USE APPROVAL LROAL DECLARATIONS GRADING APPROVAL COSMAA KNODERKIM 130000 DOCUMENT BEN PORMANICK BOND TREE EMOVAL SPECIAL DISTRICT IKSPECTOR VIDLEY MALANCE OF PERS County Government Center, Sen Luis Obiepo, CA 93408. (805) 549-5500

2.41 Del Hope Enclosure



#### Construction Permit

#### SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

County Government Center = Son Luis Obispo, California 93408 = Telephone (805) 781-8600

REGISCI: 8:01\*34 STRUCTURE: 901 IESUEO: 92/IS/57 INSP. ASSAN FELARE SERVITORES TYPE, CO.- RO

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FLET THE APPEARING

PERMITTER PARMEL PHAME

1580 STHANG WAY BCHARD, CA 93945

805) 481-1100

DESCRIPTION: ALBUALT SING FR DWIL TYPE OF CONSERNATION: W

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COMMITTERS NA

ASSESMENTS: 061.061,033 TW:

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PATIO ENGLOSURE

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PRIOR TO FINAL SHOKE DETECTION

- PRIOR TO FRANCHS -

- PRIOR TO SCUNDALION -

тямги <u>#041</u>9

COMPLETED

FINALIZED # //- 97

WITHDRAWN/EXPIRED\_

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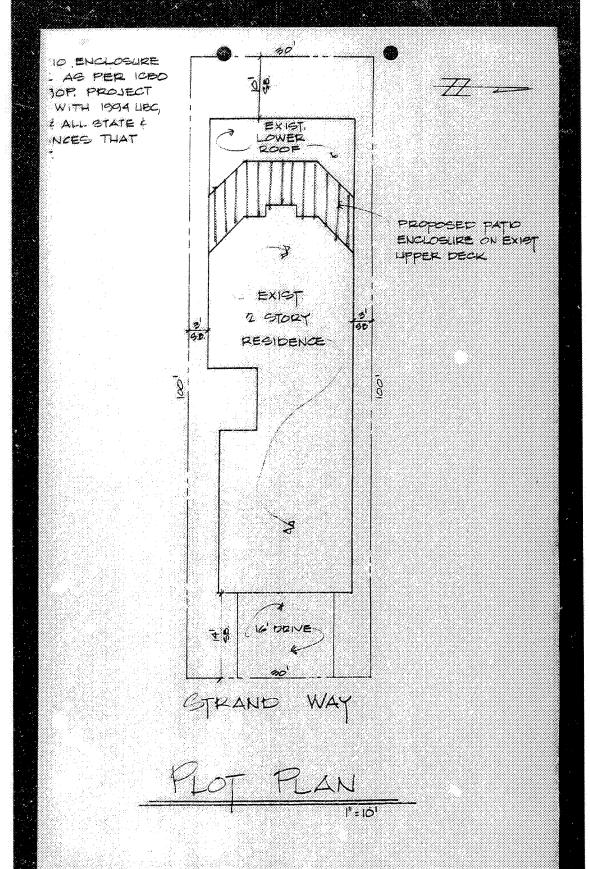
OWNER/AGENT ACKNEWLEUCKE SPECIAL REOTS: ALLE STATES OF THE CHECK FINAL BY: 106
\*\*\*PLEASE CALL USA 1-800-227-2500 UKRIERROUND COT COE ALEET ERFORE DISGING\*\*\*

THIS PERMIT CONSTITUTES ALTHORIZATION BY THE COUNTY OF SAN LUIS OBISPO ALLOWING CONSTRUCTION OF THE PROJECT DESCRIBED HEREIN, SUBJECT TO ALL APPLICABLE PROVISIONS OF THE COUNTY CODE

NOTICE: The county Code requires that this permit become pull and cond to the permit is construction authorized is not started within 380 days after the permit is resued, or if construction is work in suspended in physicism. For a period of 180 days any time after work is commenced.

2-47

THE STATE OF THE S	VSPECTION RECORD	
PERMIT NO.:	FOR:	
SETBACKS AND FOUNDATION - TO BE	INSPECTED PRIOR TO CONCRETE PLACEMENT	
SETBACKS	EXPANSIVE INDEX	
FOOTINGS	FLOOR ELEVATION	
HOUSE SLAB	CONC, ENCASED ELECT.	
GARAGE SLAB	TEMP, POWER @ MAIN/OTHER	
OTHER FOOTING	OTHER	
RETAINING WALL		
SUB-FLOOR/UNDER SLAB PRIOR TO C	ONCRETE PLACEMENT OR FLOOR SHEATHING	
JOIST AND SILLS		
DRAIN PLUMBING		
WATER PIPING		
ACCESS & VENTILATION		
	IOR TO INSULATION AND WALL COVERINGS	
FRAMING	FIREPLACE	
SHEAR - EXTERIOR	CHEMNEY	
FRAMING HWD. EXT	PLUMBING	
SHEAR - INT.	WIRING	
FRAMING HWD ING	HVAC	
ROOF NAILING		
ROOF FRAMING		
BUILDING HEIGHT		
	BOARD / INSULATION / MISC.	
	DRYWALL	
EXTERIOR LATH		
INSULATION - FLOOR	INTERIOR GAS	
INSUL + WALLS	SHOWER PAN	
INSUL - CEILING		
OTHER	NO LITTURES	
EXTERIO	OR / UTILITIES	
SEWER LINE	EXTERIOR GAS PIPING	
BACK WATER VALVE	GAS PIPE SIZE/TYPE	
SEPTIC TANK	WATER LINE	
TANK SIZE	ELECT, CONDUIT	
LEACH FIELD		
LEACH AREA/TYPE		
	INSPECTIONS	
BUILDING 94104-11-87	GRADING/DRAINAGE	
PLUMBING N / A	ROOF COVERING	
MECHANICAL N/A	FIRE INSPECTION / / / /	
ELECTRICAL 296 7 11 97	ENCROACHMENT / T	
ELECT MTR. TAG / A) / A	PLANNING REVIEW	
GAS TAG	OTHER /	
	MMENTS	
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#### INSPECTION RECORD CARD

County of San Luis Obispo
Department of Planning and Building
Phone: SLO Office 781-5602
No. County: 461-6136 Cambria: 927-329

2-44

OWNER LOCATION DERMIT NO. PROJECT TY CONTRACTO	PE Datio Chilorin
SUBFLOOR &	UNDER-SLAB INSPECTIONS
To Be Made Before Subfloor Or Slab Is Installed	Plumbing
ROUGH INSPE	CTIONS
To Be Made Before Insulation Or Drywall Is Installed	Roof Framing & Nailing Shear Framing Plumbing Electrical Mechanical Fireplace/Chimney Stucco Wire, Lath
Drywall	WallCeiling
OUTDOOR UTIL	ITY INSPECTIONS
To Be Made Before Backfilling	Sewer Septic: Tank Field Gas Lines (Exterior) Water Lines Electrical Conduit/Cable
FINAL INSPECT	ions
Other Agency Approvals	Development Review Fire Department Encroachment Service District Other_
Do Not Occupy Building Until These Items Are Signed	Roof Covering Grading/Drainage Plumbing Electrical JAW 4-11-97 Tag# 14 / A Mechanical N/A Building JAW 4-11-97





### PLANNING AND BUILDING DEPARTMENT BUILDING DIVISION

COUNTY OF SAN LUIS OBISPO

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### Construction Permit Application

San Luis Obispo County Department of Planning and Building

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	Los Marker \$1000 from Fre	911	Bac Renge	
	Assessed Parcel Busines(s)	461 37 or 61,43	Desc of App.	
	APPLICAT INFORMATION (*I' ecotest )	41907)	r	
	V Frank Parnel	see above "	481-7110	_
	Orner Penetal	Mailing Address City, State, Sip Code		×
	Contractor of Mover Hene	HOT ELCAMING POOL		3
		Mailing Address City, State, 119 Code	Pes. Er. Phone License (	b
	Architect, Engineer or Designer PROJECT DESCRIPTION	Reiling Address City, State, Sip Code	Rus. Sr. Phone Lisense (	2
		on {   Alteration     Repair     Desc	Sigh / V marce turner	2
	V Single-Paully Dualling	Milti-Pamily Swelling       Matella No.		
	PROJECT 1 ) Carage ( ) gign {	Commercial [ ] Industrial ( ) Other		
	AREA AND STEES PROPOSED	HOTEL PROGREE 2009	·	
	Residential/Com.	Carage Area Bare	Storege Ares	_L*
	ners when were noor height The	ove Average Grade Carpart Area	Covered Perck Lines	Ę
	HOVED BUILDING(8)	ns So. of Stories Setaining/Garden	Wall Reight Longth	W
	Existing Location		Locality	apoint m
	RANGPACTURED MOUSING Kenufacturer			7
		Serial Bumber	Dept. of Housing No	٠. =
	GRADING			õ
	Depth of Cuts (sin. 4 max.)	Depth of Fills (min. & max.)	e. Ide. Cut Pill	8
	THE OF CONSTRUCTION	flood t area of bite D	leturbinos	CP <sup>3</sup>
	Foundation: ( ) slab	( ) Perimeter & Piers ( ) Pole '	1 1 Desire deck	
	Francounts: [ ] Mood Stad	( ) Recory ( ) Betal	( ) Timber	
		( ) Plywood ( ) Beard ( ) Combreto Tilt-up ( ) Hetal	( ) Stone Veneze	T
2.0	Roof Pitch Material: ( )Wood Sheb	r [ ] Comerate Tilt-up [ ] Satal nes, Shingles [ ]Tile [ ]Bulle-up Comp. [ ]Com	( ) Other F. Shingle ( )Metal ( )Other	
	HECEANICAL AND ENERGY INFORMATION			Q
4.00	RETROP OF EMERGY COMPLIANCE			c٩
	TYPE OF SPACE SEATING: LEST MPS., MOD			7
	( ) Butane LPG, etc	Fireplace   Other		
	( ) Active Bolar	TIPE OF SPACE O	COLING (A.C.)	=
	( ) Fassive Solar ( ) Siestric Sestpusp			7-8
	OTILITIES	TYPE OF MASSES &	EAT ING	~
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#### **Construction Permit**

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

County Government Center = San Luis Obispo, California 93408 = Telephone (805) 781-5600

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THIS PERMIT CONSTITUTES ACTIONIZATION BY THE COUNTY OF SAN LUIS OBISPO ALLOWING CONSTRUCTION OF THE PROJECT DESCRIBED HEREIN. SUBJECT TO ALL APPLICABLE PROVISIONS OF THE COUNTY CODE

NOTICE: The county Code requires that this permit become noil and could be not or construction authorized is not started within 360 days after the permit is issued in a particular or work is compended or abandoned for a period of 180 days any time after work is compended.



SAN LUIS OBISPO COUNTY
PLANNING AND BUILDING

• (805) 781-5600

WEBSITE: http://www.slocoplanbldg.com

CALIFORNIA 93408

VICTOR HOLANDA, AICP DIRECTOR

		THIS IS A NEW PRO	JECT REFERRAL	
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San Luis Obispo

FAX: (805) 781-1242

COUNTY GOVERNMENT CENTER

EMAIL: planning@co.slo.ca.us

1-49

May 16, 2005

Oceano Halcyon Advisory Committee Oceano, CA

RE: DRC 2004-00224

PARNEL-1560 Strand Way

APN: 061-061-033

Dear committee members:

We are asking that you recommend denial of this variance for the following reasons:

The homes on Strand are built on 30x100 lots or 35x100 if they are a corner lot. There is a 3' side setback required of each residence. Most of the homes have a fence or a wall built on the property line between them leaving 3' on each side, total of 6' of open space between homes. The homes are close together so this 6' is necessary to get as much space between homes as possible.

In this case, there is a brick wall built on the property line between Mr. Parnel's residence and our home that is under construction. The brick wall is not the problem. The problem is the tile roof installed on the wall that is connected to the residence. What he has done is totally enclose his set back by putting on this roof and making a room out of the patio in the setback. His setback is completely enclosed along the south side of the residence and around the front.

Pictures 1,2, and 3 show this.

I will address the required findings one by one, page 2 of the request.

1. This patio is not similar. There are no other homes in the area that have enclosed their setback. There are patios that may have windbreaks, such as plexiglass, but none have put roofs on and made a structure out of their setback.

Pictures 6, 7 8, 9 & 10 are examples of other Strand Way homes in the vicinity that show the setbacks between the homes. You can see that there are brick or cement walls on the property line and their patios are open, not enclosed with a roof.

2. Again, no other homeowners have enclosed their setbacks with a roof.

3. This is not true because of the tile roof all the runoff from rain and moisture from Mr. Parnel's residence goes directly onto our property. The north side of our property next to his residence has 3 feet between, that is our setback. Mr. Parnel has enclosed the wall and his 3' feet so we take all runoff and water from his home onto ours. When it rained the water poured off his roof and went directly onto our residence. His raingutter in the front is on our property, and the raingutter on the top of his residence in the front has a sleeve attached where the runoff is directed to the gutter he has placed on our property. Leaving this roof would damage our home because it would be wet all the time. There is no access because he has totally enclosed the access.

Pictures 4 & 5 show the tile roof and you can note the edge of the roof is directly on our property.

This enclosed structure is illegal, is in direct violation of county code and was added on after the home and patio were built. It adversely affects our property. There is no other home anywhere in the beach area or to my knowledge in any other area anywhere where a neighbor has put a structure with roof on the fence that separates their property from their neighbor directing all runoff onto the neighbors property.

Please recommend denial of this variance. If this is allowed it would set a precedent that would be highly detrimental to all the property owners in the area. It is not fair to us and to all the people who abide by the county regulations. If everyone were allowed to enclose their setback, where would the runoff go?

Thank you for your consideration.

Glenda L. Guiton Slevela L. Liuton James E. Guiton Janes E. Mater Laurie D. Guiton Laurie D. Suiton

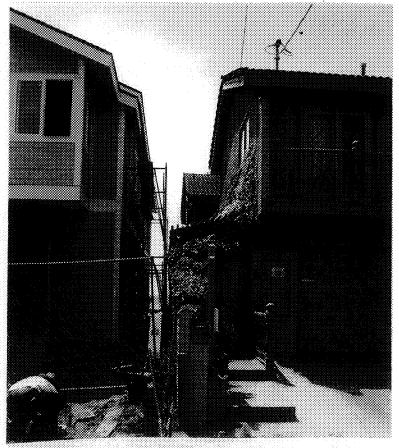
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Owners of 1590 Strand Way

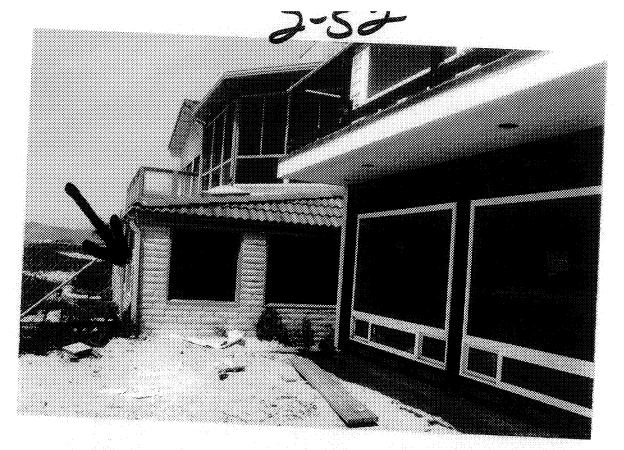
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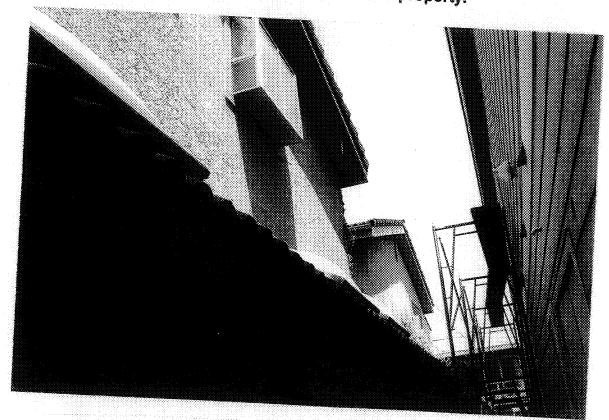
1. From beach side, front of 1560 Strand on left. 1590 Strand on right. Note tile roof enclosing patio.



View from Strand Way. Note 3' setback on 1590 on the left.
 There is no setback on right at 1560, wall enclosed.

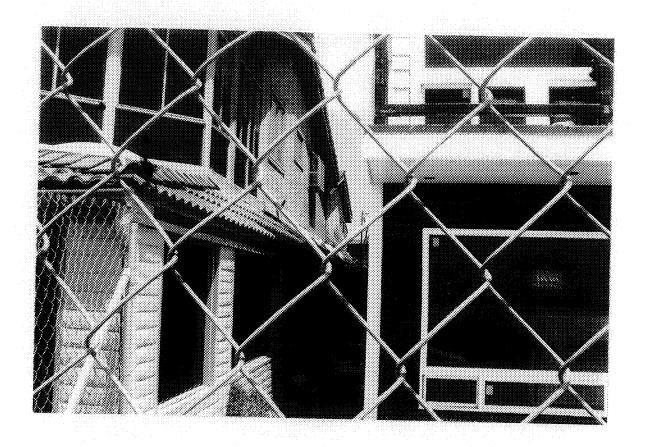


 Side view of south side of patio 1560 Strand. Note the rain gutter attached to side of wall directly onto our property. All runoff from 1560 Strand runs onto our property.



4. Close up view of tile roof on property line. Here it is easy to see how runoff from tile goes directly onto our property.

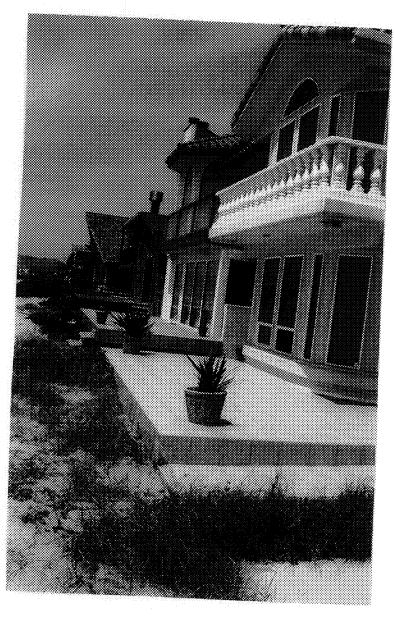
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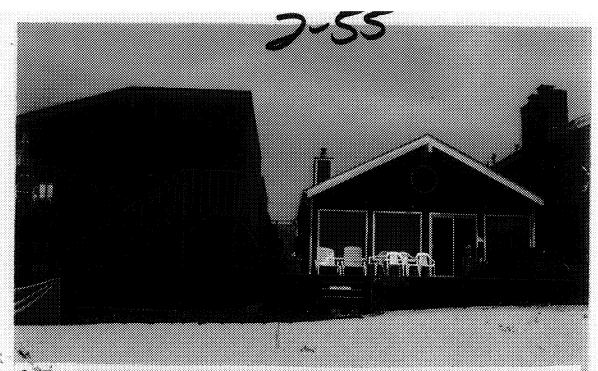
Another view of the enclosed wall on the property line showing how the roof and raingutter direct all water onto our property. 2.54

6. View of other Strand way homes front paties looking north towards 1560 Strand. Arrow points to the enclosed patie.

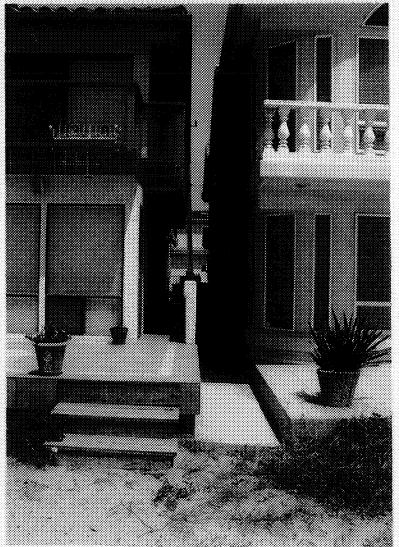




7. Another view of Strand Way homes and their front patios.



8. Two Strand way homes just south of 1560 showing the fence between and the 3' open on each side of the homes.



 Another example of Strand Way homes with a cement wall on the property line between homes with setbacks open.



10. Another example of Strand Way homes with the wall on property line and required setbacks.

May 16, 2005

San Luis Obispo County
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

RE: DRC 2004-00224 Parnel-1560 Strand Way APN: 061-061-033

#### **Dear Planning Department:**

In regard to the above project requesting a variance for an enclosed setback we would like to address the concerns we have.

We are the owners of the property directly to the south of 1560 Strand Way and have a home under construction on our lot. As you know, the lots on Strand Way are either 30x100 or 35x100 on the corners. The homes are close together and the 3' required setback on the sides of each residence are necessary to keep as much distance between the homes as possible.

The way it stands now, there is only 3' between our homes. Mr. Parnel has enclosed the wall on the property line with a tile roof that is attached to his residence. He has further enclosed the patio in the front with a tile roof. On the variance request in item 1. on the "required findings" they state that the patio is similar to others in the area. This is not true. To my knowledge, there are no other enclosed setbacks in the beach area. There are fences and walls between the homes but all the other homes have 6' of open space between them. There are no other structures attached to the fence or wall between the homes such as was done at 1560 Strand Way.

During the recent rains, the runoff from his residence ran directly onto our home. He has installed his raingutter on the side of the wall on our property. He has further placed a sleeve on the gutter on the top of his home to divert the runoff into his gutter on our property. We have all the runoff and moisture from his home on our property. The north side of our home, having only 3' between residences and handling all the runoff from his home will stay wet constantly and cause damage to our home.



We ask that you deny this request for a variance. If this is allowed it would set a precedent that would be detrimental to all the other properties in the Strand Way area. It is not fair to us and to the other homeowners in the area that comply with the County regulations if this kind of structure is allowed.

Thank you for your consideration.

Sincerely,

Glenda L. Guiton Flenda L. Liter

James E. Guiton James & Scritor

Laurie Guiton Faurier Lindon

Linda M. Austin Lenda M Courter

Owners of 1590 Strand Way

mailing address:

P.O. Box 535

Oceano, CA 93475-0535

encl: copy of presentation to the Oceano-Halcyon Advisory committee meeting on May 16, 2005.